

FILED

JUL 20 2016

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**CLERK, U.S. BANKRUPTCY COURT
WEST DIST. OF PENNSYLVANIA**

In re: : Case No.: 15-22990-GLT
Justin M. Malik : Chapter: 13
Laura L. McKee :
Debtor(s). : Date: 7/20/2016
Time: 10:00

PROCEEDING MEMO

MATTER: # 71 - Con't Objection to Claim #10 by PNC Bank, N.A.

150 - Rescheduled Sale of Real Property (4034 Pinehurst Drive, Morgantown, WV)
#180 - Response by Ditech Financial, LLC

APPEARANCES:

Debtor: Aurelius P. Robleto
Ditech: James Prostko

NOTES:

Robleto - Regarding the sale, notice deficiencies have been cured. Published notice of sale on EASI website and a newspaper of general circulation. No legal journal in the county where the property is located. Received an objection from Ditech. Anticipates fully paying the Ditech claim at closing. Can insert any necessary language to clarify that in the sale order.

Court - Accepts counsel's representation that publication has been made but proof of publication needs to be filed as soon as it is received.

Prostko - Accurate payoff has not been received as of today. Order needs to be changed to state that Ditech is being paid and to provide that Ditech will be paid the payoff amount at the time of closing. Believes that the trustee is not making payments on this loan because of the anticipated sale. Payoff amount will be higher than what was stated in Ditech's proof of claim. Appears that sale proceeds will be sufficient to pay Ditech's claim in full.

Court exposes property at 4034 Pinehurst Drive, Morgantown, WV for sale. No higher/better offers. Sale approved to Joe and Sandy Belt for the amount of \$174,900 (less payments paid pursuant to the rental agreement). Balance due at closing is \$145,258.

Robleto - Requests that closing deadline be extended to September 30, 2016.

Prostko - No objection.

Robleto - With respect to the objection to PNC's claim, documents provided by PNC did not adequately explain how Debtor's payments were applied. Spoke with counsel for PNC. Believes that a resolution has been reached, but needs to be confirmed. PNC will amend its proof of claim to indicate that no prepetition arrears are owing, and will file a notice of mortgage payment change if necessary.

OUTCOME:

1. Modified Sale Order to be issued. O/E.
2. Proof of publication to be filed within 14 days. (Text Order to issue).
3. Objection to Claim of PNC Bank continued to August 31, 2016 at 9:00 a.m. (Text Order to issue).

DATED: 7/20/2016